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SECRET ATTACHMENTS ATTACHED

June 18, 1971

MEMORANDUM FOR: JOHN DEAN
FROM: THOMAS LATIMER
SUBJECT: NSC Study of Declassification Procedures

In January of this year the President directed that a review be made under NSC auspices of current security classification and declassification procedures. A copy of the National Security Study Memorandum is at Tab A. The Attorney General provided the chairman of the Ad Hoc Study Group, Bill Rehnquist.

The study is being directed at three major areas of concern: (1) procedures for declassifying NSC papers; (2) Amending Executive Order 10501, which is the basic document regulating classification/declassification procedures; and (3) strengthening penalties for the unauthorized release of classified material.

Thus far, the Ad Hoc Group has in hand preliminary drafts of proposed recommendations addressing the first two areas of concern. The study on NSC papers is at Tab B and the study on E. O. 10501 is at Tab C. I have also attached at Tab D a proposed addition to the recommendations on E. O. 10501 which I will submit to the Group at our next meeting.

The Group will next meet on 1 July. If you have any suggestions for adding to or changing the attached drafts, please let me know and I will present them to the Group.

ON-FILE NSC RELEASE
INSTRUCTIONS APPLY

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January 15, 1971

National Security Study Memorandum 113

TO: The Secretary of State
The Secretary of Defense
The Attorney General
The Director of Central Intelligence
The Chairman of the Atomic Energy Commission

SUBJECT: Procedures for Declassification and Release of
Official Documents

The President has directed that a review be made of current security classification procedures set forth in Executive Order 10501, as amended. The study should include an examination of:

- present actions being taken and procedures being followed by the heads of departments and agencies pursuant to Sec. 7 (b) of E. O. 10501, as amended;
- present implementation by the various departments and agencies of Sec. 18 of E. O. 10501, as amended, and of that portion of Sec. 4 which directs department and agency heads to designate persons to be responsible for continuing review of classified material for the purpose of declassifying it;
- whether or not the material currently placed in Group 1 as defined in Sec. 4 of E. O. 10501, as amended, is being reviewed on a regular basis for declassification; and
- existing criteria and guidelines for release of National Security Council papers produced both by previous Administrations and by the present Administration.

Based upon the foregoing reviews, the study should recommend:

- changes in Sec. 7 (b) of E. O. 10501, as amended, to provide specific criteria under which the heads of departments and agencies can disseminate classified material outside the Executive Branch;

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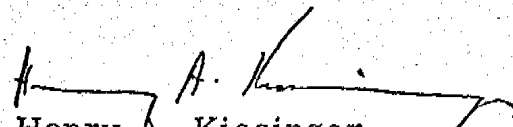
- measures, if needed, to assure compliance with Sec. 4 and Sec. 18 of E.O. 10501, as amended;
- changes in E.O. 10501, as amended, to provide more specific guidelines as to what material should be placed in Groups 2, 3 and 4, respectively, as defined in Sec. 4;
- guidelines under which, if possible, material now placed in Group 1 could be declassified, with particular attention to the question of whether legislation would be required if it is deemed practical to release any information now classified under the Atomic Energy Act;
- criteria for the release of National Security Council papers from previous Administrations. (The wishes of former Presidents Truman and Johnson regarding NSC papers produced during their Administrations should be ascertained.);
- guidelines for the future release of NSC papers produced during this and future Administrations, including a recommendation for or against the establishment of a permanent NSC review group to determine whether or not the release of any particular NSC document would be injurious to the national security;
- types of classified information to which public access should be granted, conditions under which, and specific groups to whom, such access should be granted, and criteria and procedures for granting such access;
- specific steps which can be taken, both administrative and legal, in cases of release or disclosure of classified information or material except in the manner authorized in E.O. 10501, as amended; and
- changes which ought to be made in that Executive Order to strengthen both the controls over and penalties for the release of classified material except in the manner authorized in E.O. 10501, as amended.

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This study will be prepared by an Ad Hoc Group comprising representatives of the addressees and chaired by the representative of The Attorney General. A representative of the National Security Council staff will be included on the group.


Henry A. Kissinger

cc: Chairman, Joint Chiefs of Staff
Director, Office of Management and Budget
Director, Office of Science and Technology
Chairman, President's Foreign Intelligence
Advisory Board

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